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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 TONY SHERMAN,

10 Petitioner,

11 vs.

12 BRIAN WILLIAMS, et al.,

13 Respondents.
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Case No. 2:09-CV-01411-KJD-(RJJ)

ORDER

15 The court instructed petitioner to file a third amended petition, because his second
16 amended petition (#20) was too vague to warrant relief. Order (#22). Petitioner has not complied
17 within the allotted time, and the court will dismiss the action.

18 Reasonable jurists would not find this conclusion to be debatable or wrong, and the
19 court will not issue a certificate of appealability.

20 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice
21 for petitioner's failure to comply with the court's order (#22). The clerk of the court shall enter
22 judgment accordingly.

23 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

24 DATED: October 5, 2010

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27 **KENT J. DAWSON**
United States District Judge
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